

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to FIGs. 3G, 12A and 13. These sheets, which include FIG. 4, replace the original sheets including FIGs. 3G, 12A and 13. In FIG. 3G, reference number 318 replaces reference number 312. In FIG. 12A, reference number 115 replaces reference number 1210. In FIG. 13, reference numeral 1300 is added.

Attachments: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

By this Amendment, Applicant amends paragraphs [0030], [0039], [0040], [0090], [0100], [0102], and [0116]. Applicant also amends FIGs. 3G, 12A, and 13. No new matter is added.

OBJECTIONS TO THE DRAWINGS

The Office Action objects to the drawings on various bases that can generally be grouped as follows: (1) inclusion of reference characters not mentioned in the specification; (2) failure to include reference characters that are mentioned in the specification; and (3) failure to show features recited in the claims.

In regard to the first basis of objection, Applicant hereby amends FIG. 12A to replace reference numeral 1210 with reference numeral 150.

Applicant respectfully traverses the remainder of the objections under the first basis. In particular, Applicant respectfully submits that reference numeral 160 is already specifically mentioned in paragraph [0035] of the specification, and reference numerals 1454 and 1456 are already specifically mentioned in paragraph [0120] of the specification. Furthermore, Applicant respectfully submits that such items as: "Data I/O," "Column Decoders and Selects," etc. are absolutely not reference characters under 37 C.F.R. § 1.84(p)(5) but are instead descriptive labels for block diagram elements that, in most cases, already have a separate, clearly identified reference character that is also mentioned in the specification.

Therefore, Applicant respectfully requests that the Examiner withdraw the objections to the drawings under basis 1.

In regard to the second basis of objection, Applicant hereby amends: FIG. 3G to replace reference numeral 312 with reference numeral 318; FIG. 13 to show reference character 1300; and paragraph [0100] to replace "1040" with "1060."

Applicant respectfully traverses the remainder of the objections under the second basis. In particular, Applicant respectfully submits that such terms such as: "VT1," "Vpp1," "VSL0" etc. are absolutely not reference characters under 37 C.F.R.

§ 1.84(p)(5) but are instead simply terms used in the specification to identify variables etc., that are useful in explaining the present invention.

Therefore, Applicant respectfully requests that the Examiner withdraw the objections to the drawings under basis 2.

In regard to the third basis of objection, Applicant respectfully does not see any specific basis for this objection. The Office Action fails to identify even a single feature of even a single claim that it is allegedly not shown in the drawings. If the Examiner believes that the drawings are in any way defective for failing to show any features of any of the claims, he is respectfully requested to specify those features that he believes are missing from the claims so that Applicant can consider whether or not the objection has any merit, and if so, what (if any) corrective action to take. Until and unless the Examiner identifies any such supposed missing features, Applicant respectfully traverses the objection to the drawings under basis 3, and requests that it be withdrawn.

Accordingly, for at least these reasons, Applicant respectfully submits that the Drawings are now fully compliant with 37 C.F.R. §§ 1.83(a) and 1.84(p)(5), and respectfully requests that the objections to the drawings be withdrawn.

35 U.S.C. § 112, FIRST PARAGRAPH

The Office Action rejects claims 1-30 under 35 U.S.C. § 112, first paragraph, as supposedly failing to comply with the enablement requirement.

Applicant respectfully traverses these rejections for at least the following reasons.

To make a rejection of a claim under 35 U.S.C. § 112, first paragraph as lacking enablement, the Office Action must specify exactly what features or aspects of each individual claim are believed not to have been enabled by the Specification. "The invention that one skilled in the art must be enabled to make and use is that **defined by the claim(s)** of the particular application or patent." M.P.E.P. § 2164 (emphasis added). Additionally:

“In order to make a rejection, the examiner has the initial burden to establish a reasonable basis to question the enablement provided **for the claimed invention**. In re Wright, 999 F.2d 1557, 1562, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993) (examiner must provide a reasonable explanation as to why **the scope of protection provided by a claim** is not adequately enabled by the disclosure)”

M.P.E.P. § 2164.04 (emphasis added). See also M.P.E.P. § 706.03(c):

“In bracket 2, identify the **claimed** subject matter for which the specification is not enabling. Also explain why the specification is not enabling, applying the factors set forth in In re Wands, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1998) as appropriate”

(emphasis added).

Here, the Office Action fails to identify anything at all in the claims that is alleged to have not been enabled by the specification. It seems that the Examiner has some difficulty understanding various terms used in the drawings and the specification. This might possibly be a basis for objecting to the specification, but it cannot be a basis for rejecting the claims as lacking enablement.

Accordingly, Applicant respectfully traverses the rejections of claims 1-30 under 35 U.S.C. § 112, first paragraph, and respectfully requests that they all be withdrawn.

35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejects claims 1-30 under 35 U.S.C. § 112, second paragraph, as supposedly being indefinite.

Applicant respectfully traverses these rejections for at least the following reasons.

M.P.E.P. § 706.03(d) provides that the form paragraph used by the Examiner in this Office Action:

“should be followed by one or more of the following form paragraphs 7.34.02 - 7.34.11, as applicable. If none of these form paragraphs are appropriate, **a full explanation of the deficiency of the claims should be supplied. Whenever possible, identify the particular term(s) or limitation(s) which render the claim(s) indefinite and state why such term or limitation renders the claim indefinite**

(emphasis added). Here, the Office Action fails to include any of the form paragraphs 7.34.02 - 7.34.11, and also fails to supply a full explanation of the supposed deficiencies of the claims, identifying any particular term(s) or limitation(s) which are believed to render the claims indefinite. Furthermore, M.P.E.P. § 2173.02 provides that:

“If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and **an analysis as to why the phrase(s) used in the claim is “vague and indefinite” should be included in the Office action**”

(emphasis added).

The Office Action fails to identify with particularity what aspects of each of the claims 1-30 are deemed to be indefinite, or to put Applicant on fair notice as to what corrections are required. Meanwhile, the undersigned attorney has reviewed the claims again and respectfully submits that one of ordinary skill in the art would easily

comprehend the subject matter claimed in each of the claims 1-30.

Accordingly, Applicant respectfully traverses the rejections of claims 1-30 under 35 U.S.C. § 112, second paragraph and respectfully requests that the rejections be withdrawn.

Finally, Applicant respectfully declines the request to “particularly point out each of elements as recited in claims 1-30 to be read on the respective elements as shown in the drawings of the present invention as well as the specification.” The undersigned attorney is unaware of any requirement in the law or Patent Office rules that an Applicant must furnish a claim chart to the Examiner for each claim of a patent application. Although the undersigned attorney respectfully submits that all of the claims are clear and definite, if for any reason the Examiner is unable to understand any aspect of any of the claims, he is respectfully invited to contact the undersigned attorney with a request for clarification, in writing or preferably by telephone.

OBVIOUSNESS-TYPE DOUBLE PATENTING

Applicant will consider the advisability of filing a Terminal Disclaimer to overcome the outstanding obviousness-type double patenting rejection, and the provisional obviousness-type double patenting rejections of claims 1-30 once the application is stated to be otherwise in condition for allowance.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-30, and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283-0720 to discuss these matters.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §

1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

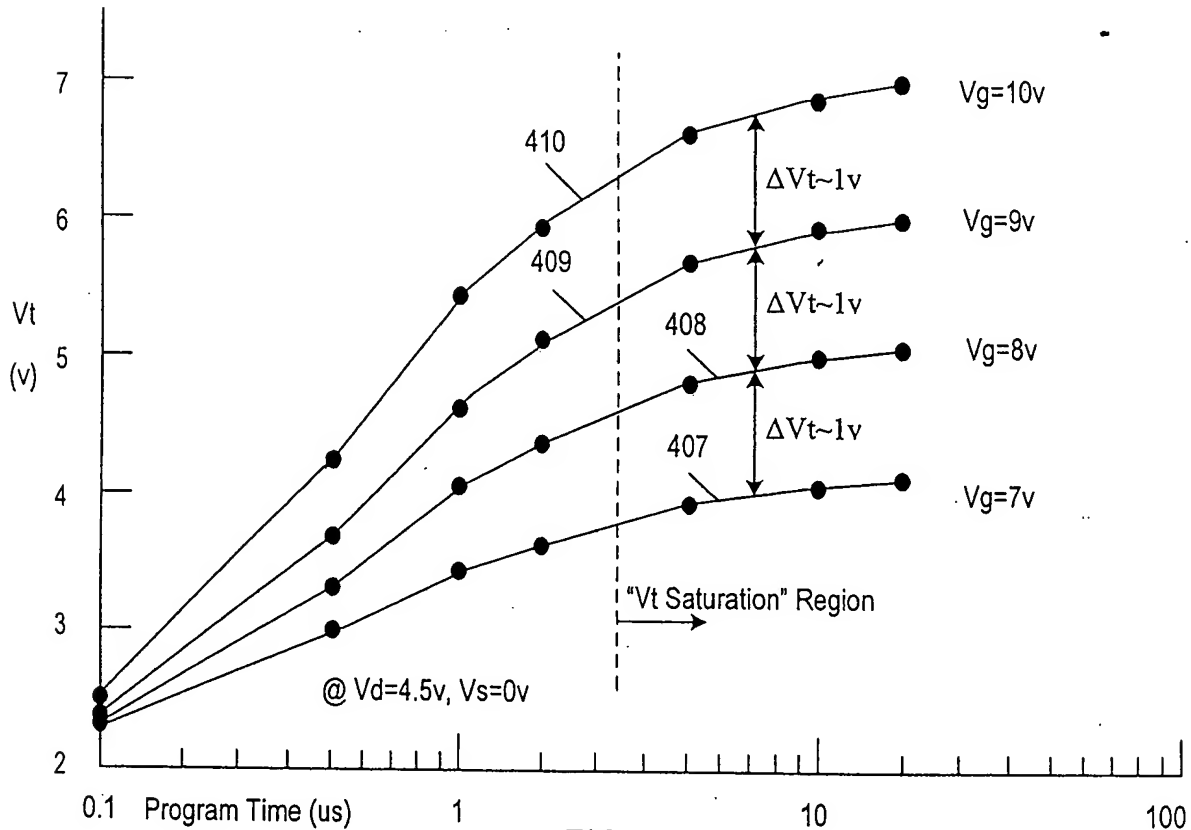
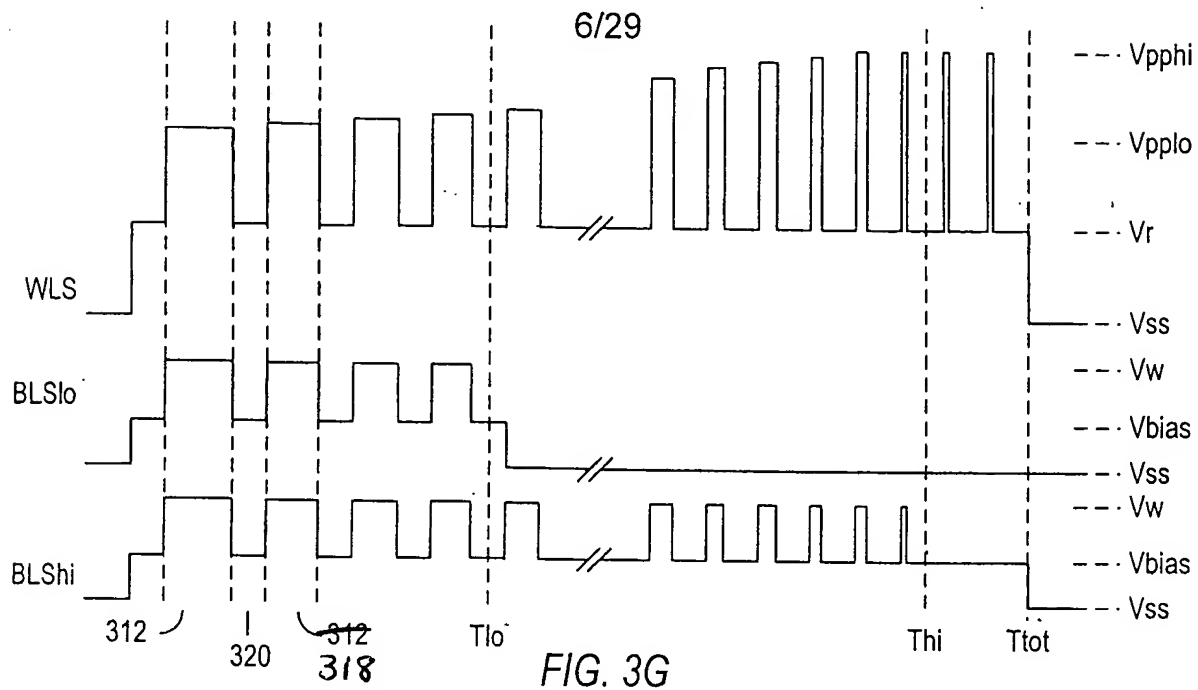
Date: 31 January 2006

By: 
Kenneth D. Springer
Registration No. 39,843

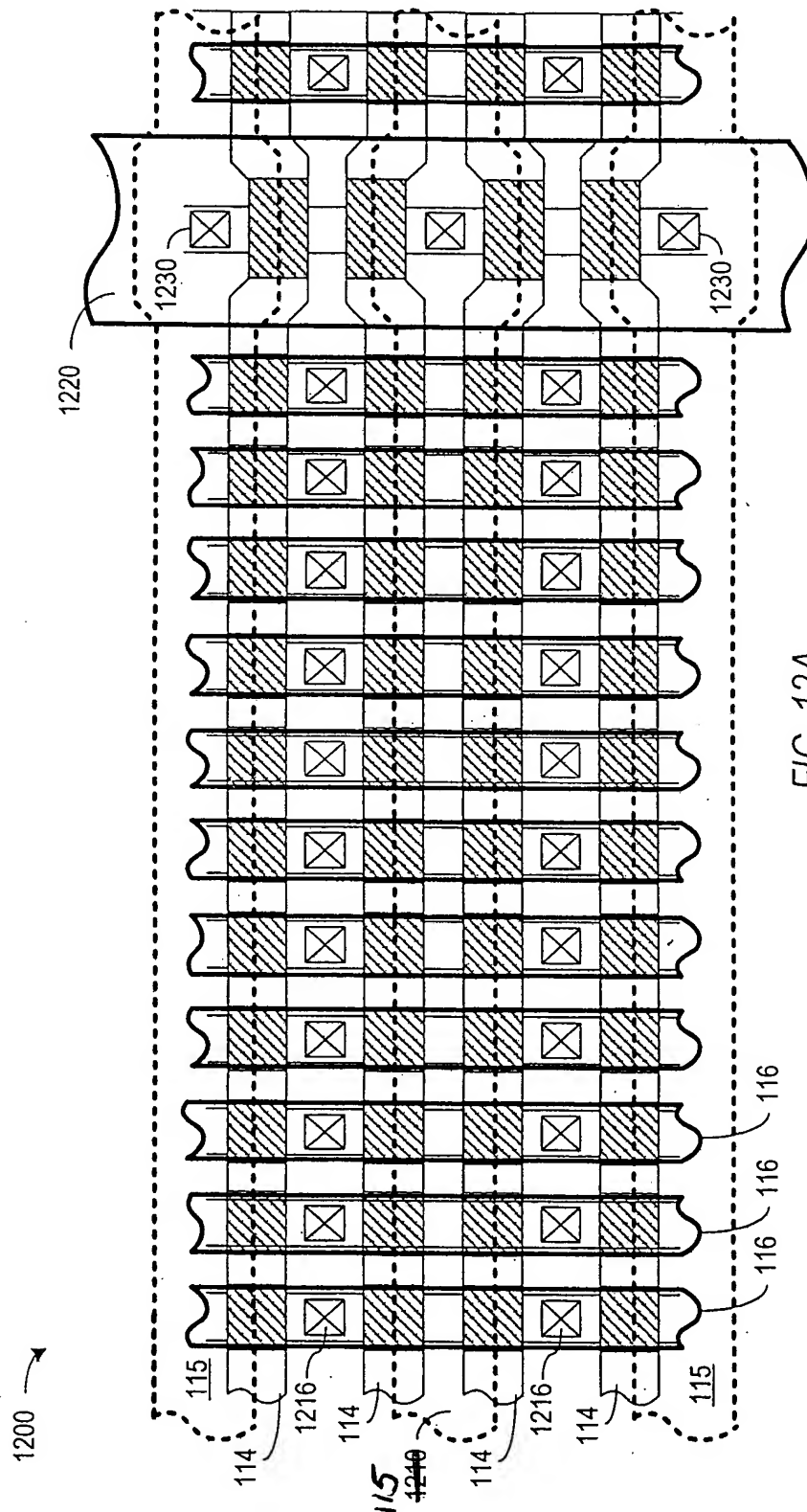
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ANNOTATED SHEET

U.S. Patent App. Entitled: "Programming of Multi-Level Memory Cells on a Continuous Word Line";
Inventor: Sau Ching Wong; Attorney Docket No.: MLM006US1P



25/29



27/29

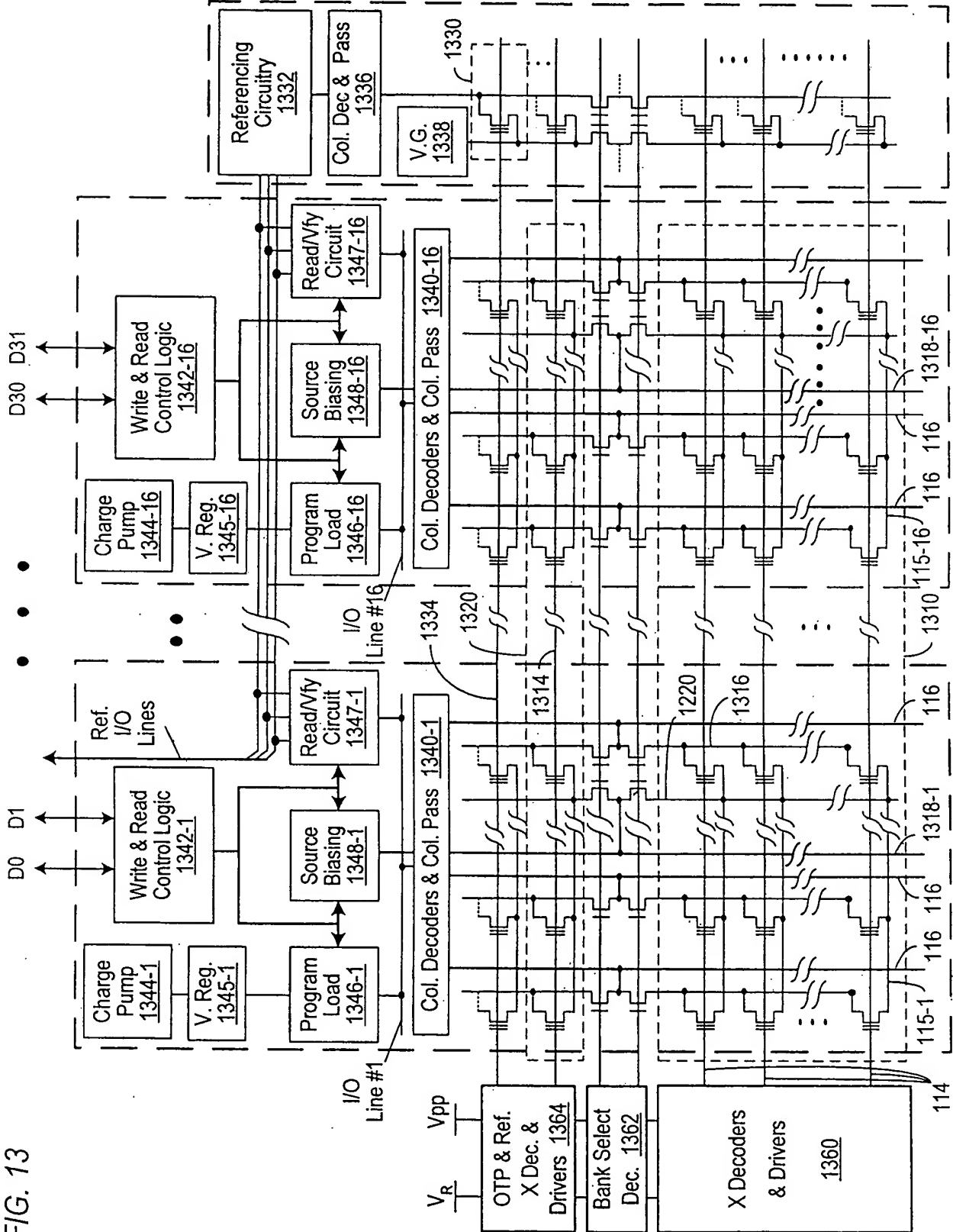


FIG. 13

1300